



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,441	08/31/2001	Stephan Brunner	05306.P028	3599

7590 05/16/2006
Andre M. Gibbs
Blakely, Sokoloff, Taylor & Zafman LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1030

EXAMINER

HAQ, NAEEM U

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/945,441	Applicant(s) BRUNNER ET AL.	
	Examiner Naeem Haq	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/22/05; 3/23/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on March 20, 2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 8-12, 14, 15-19, 22-28, 31-37, and 39 rejected under 35 U.S.C. 102(b) as being anticipated by Strevey et al. (US 6,035,305) ("Strevey").

Referring to claim 1: Strevey teaches a computer-implemented method of customizing a product (col. 4, lines 33-36) comprising:

providing a set of one or more customizable product classes (col. 6, lines 62-67:

"One actual embodiment of the invention employs the Visio® 4.0 computer program, by Visio

Corporation, of Seattle, Wash., to provide the display workspace 412 and palette 414. The Visio®

program provides a palette 414, referred to as a tool box, that includes a number of master shapes, such as boxes, diamonds, or arrows”; col. 7, lines 9-13: “The Visio 4.0 system utilizes an object-oriented paradigm. In such a paradigm, a particular shape drawn on the computer screen is a graphical object, having certain attributes that define the object. The master shapes represent classes of objects”; col. 7, lines 20-21: “In an object-oriented paradigm, a class is defined by its attributes.”);

receiving a request to designate a customizable product class from the set of one or more customizable product classes as a customizable product instance; and presenting a customizable product class from the set of one or more customizable product classes as the customizable product instance (col. 7, lines 13-19: “When an operator selects a master shape, or object class, and a corresponding location on the computer screen, an object corresponding to an instance of the selected class is created and displayed graphically on the computer screen. Generic attributes of the object, such as size and color, are initialized to default values and may be subsequently modified by an operator.”);

providing a set of one or more component products, the set of one or more component products associated with the customizable product instance (col. 8, lines 24-27: “At the top of the hierarchy 502 is the class of graphical objects 504 that are displayed and manipulated within the display workspace 412. Below the class of graphical objects are three subclasses”; col. 8, lines 36-37: “The class of graphical product objects 508 has two subclasses: a class of options 510 and a class of modules 514”; col. 9, lines 1-4: “The modules 514, represent sets, or packages, of parts, plans, tools, functional tests, inspections, or software that are to be included in the product or used to assemble the product when one or more associated options are selected”; col. 10, lines 24-26: “Objects that are instantiated from subclasses of parent classes have the characteristics of an object of the parent class, unless specifically modified”). The Applicants’ specification

Art Unit: 3625

discloses that "component products" are subclasses that inherit attributes from the customizable product class (see paragraph [0025]). Strevey provides the same teaching.

receiving a request to associate a first component product (i.e. subclass) from the set of one or more component products with the customizable product instance (col. 7, lines 21-32: *"Objects, or instances, within the class include all class attributes. A subclass of a class may be defined, wherein the subclass "inherits" the attributes of the parent class. The inherited attribute values may be modified, or new attributes added to the subclass. An object of the subclass correspondingly obtains the attributes of the subclass. Through "multiple inheritance," an object may be created that is a member of more than one class. Such an object obtains the attributes of all of its parent classes. A hierarchy including classes, subclasses, and objects is useful to organize and understand the numerous objects in a complex system"*; col. 10, lines 38-42: *"The user interface 410 includes the pallet 414 containing the iconic representations of graphical objects that are selectable by an operator. The iconic representations include: an option icon 604; a dependent module icon 608; an independent module icon 610"*; col. 7, lines 13-19: *"When an operator selects a master shape, or object class, and a corresponding location on the computer screen, an object corresponding to an instance of the selected class is created and displayed graphically on the computer screen. Generic attributes of the object, such as size and color, are initialized to default values and may be subsequently modified by an operator."*);

determining whether to associate the first component product (i.e. subclass) from the set of one or more component products with the customizable product instance based on a predetermined set of customizable class rules, the customizable class rules associated with the customizable product instance (Abstract, lines 15-19: *"Upon selection of the objects, an operator is prompted to input specific information pertaining to the selected object. Constraints limit the selections that an operator can make, the appearance of the objects, and the*

configurations that can be produced from selected objects”; col. 2, lines 52-59: “The graphical objects include a graphical option object, which represents information pertaining to a selection that may be made by a user when configuring the product. The graphical objects also include graphical logical relationship objects, specifically a conjunctive relationship object and a disjunctive relationship object, which are used to represent information necessary in configuring a product”; col. 2, line 65 – col. 3, line 3: “In accordance with further aspects of this invention, the pallet includes a graphical contingent relationship object representing a contingent relationship between graphical option objects or module objects. A contingent relationship indicates that the selection of one of the related objects is required for the selection of the second object”; col. 3, lines 8-10: “In accordance with other further aspects of this invention, the pallet includes a graphical constraint object representing a constraint relationship between two graphical objects” col. 5, lines 3-6: “The rules-based program also configures a product by determining the modules required to be included in the product, based on the set of product options selected”; col. 5, lines 61-67: “At step 54, the computer receives option-to-option relationship information. Option-to-option relationship information describes relationships between product options. For example, the selection of one product option may require the selection of a second product option. Alternatively, the selection of one product option may preclude the selection of a second product option”; col. 9, lines 1-10: “The modules 514, represent sets, or packages, of parts, plans, tools, functional tests, inspections, or software that are to be included in the product or used to assemble the product when one or more associated options are selected. The class of modules 514 has two subclasses: a class of dependent modules 530 and a class of independent modules 532. Dependent modules 530 include modules that have a relationship with two or more options, such that when the two or more options are selected, the use of an associated dependent module is required”). The Applicants’ specification discloses that the step of determining whether to associate a component product with a customizable product instance based on customizable class rule allows for restricting or excluding one or more component products based on the selection of a

specific component in order to guide the consumer to choose the appropriate products (paragraph [0028], lines 5-8; paragraph [0061], lines 1-8). Strevey provides the same teaching.

Referring to claim 2: Strevey teaches all the limitations of claim 1 as noted above. Furthermore, Strevey teaches determining not to associate the first component product from the set of one or more component products with the customizable product instance if the customizable class rule limits association of the first component product with the customizable product instance (col. 9, lines 38-45: *"The disjunctive relationship 548 represents an exclusive OR relationship between two components, where a component is graphical product object 508 or a group box 542 containing two or more graphical product objects. A selection of one component that is connected by a disjunctive relationship precludes the selection of all other components connected to the selected component by a disjunctive relationship."*) The Applicants' specification discloses that customizable class rules "...may be defined to require or exclude the selection of one or more component products upon selection of a specific component product..." (paragraph [0061], lines 5-7). Strevey provides the same teaching using disjunctive relationships.

Referring to claims 3 and 4: Strevey teaches all the limitations of claim 1 as noted above. Furthermore, Strevey teaches determining to associate a first or second component product from the set of one or more component products with the customizable product instance if the customizable class rule allows association of the first or second component product with the customizable product instance; and associating the first component product with the customizable product instance (col. 9, lines 46-53: *"Conjunctive relationships 546 define a conjunctive, or "AND" relationship between two*

components, where a component is graphical product object 508 or a group box 542 containing two or more graphical product objects. A selection of one component that is connected by a conjunctive relationship requires the selection of all other components connected to the selected component by a conjunctive relationship.”)

Referring to claim 5: Strevey teaches all the limitations of claim 1 as noted above. Furthermore, Strevey teaches providing a user interface for each component product (Figure 6).

Referring to claim 7: Strevey teaches all the limitations of claim 1 as noted above. Furthermore, Strevey teaches wherein two or more component products (i.e. subclasses) from the set of one or more component products are associated with the customizable product instance (Figure 7E). Strevey discloses that two “Options” (items “794” and “796”) are associated with the customizable product instance (i.e. Pratt & Whitney Hydraulic Pump, item “792”) through a conjunctive relationship (item “797”). Furthermore, Strevey teaches that an “Option” (Figure 5A, item “510”) is a subclass of a “Graphical Object” (Figure 5A, item “504”), (col. 8, lines 24-40).

Referring to claim 8: Claim 8 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 9: Claim 9 is rejected under the same rationale as set forth above in claim 2.

Referring to claims 10 and 11: Claims 10 and 11 are rejected under the same rationale as set forth above in claim 3 and 4.

Referring to claim 12: Claim 12 is rejected under the same rationale as set forth above in claim 5.

Referring to claim 14: Claim 14 is rejected under the same rationale as set forth above in claim 7.

Referring to claims 15 and 17: Strevey teaches a computer-implemented method of customizing a product (col. 4, lines 33-36) comprising:

designating a customizable product class from a set of one or more customizable product classes as a customizable product instance (col. 7, lines 13-19: *"When an operator selects a master shape, or object class, and a corresponding location on the computer screen, an object corresponding to an instance of the selected class is created and displayed graphically on the computer screen. Generic attributes of the object, such as size and color, are initialized to default values and may be subsequently modified by an operator."*);

selecting a component product (i.e. subclass) from a set of two or more component products to form a customizable product, the set of two or more component products are associated with the customizable product instance based on a predetermined set of customizable rules, the customizable class rules associated with the customizable product instance. Strevey discloses that two "Options" (items "794" and "796") are associated with the customizable product instance (i.e. Pratt & Whitney Hydraulic Pump, item "792") through a conjunctive relationship (item "797"). Furthermore, Strevey teaches that an "Option" (Figure 5A, item "510") is a subclass of a "Graphical Object" (Figure 5A, item "504"), (col. 8, lines 24-40).

Referring to claim 16: Strevey teaches all the limitations of claim 15 as noted above. Furthermore, Strevey teaches selecting from a set of alternative component products to add to the customizable product, the selecting is determined by the first

component product selected based on the predetermined set of customizable rules (Figure 7D).

Referring to claim 18: Strevey teaches all the limitations of claim 15 as noted above. Furthermore, Strevey teaches automatically associating one or more component products with the customizable product instance upon selecting from a set of one or more component products to form a customizable product based on the predetermined set of customizable rules (col. 9, lines 46-53: *"Conjunctive relationships 546 define a conjunctive, or "AND" relationship between two components, where a component is graphical product object 508 or a group box 542 containing two or more graphical product objects. A selection of one component that is connected by a conjunctive relationship requires the selection of all other components connected to the selected component by a conjunctive relationship."*)

Referring to claim 19: Strevey teaches all the limitations of claim 18 as noted above. Furthermore, Strevey teaches that the customizable product may be saved to a data store (Abstract, lines 20-21: *"Information pertaining to selected objects and their configuration is stored in a database."*)

Referring to claim 22: Strevey teaches all the limitations of claim 18 as noted above. Furthermore, Strevey teaches that the customizable product includes component product information to guide a consumer in the selection of the customizable product (col. 13, lines 15-34).

Referring to claim 23: Strevey teaches all the limitations of claim 18 as noted above. Furthermore, Strevey teaches that the component product is displayed in an individual user interface (Figure 6).

Referring to claim 24: Claim 24 is rejected under the same rationale as set forth above in claim 15.

Referring to claim 25: Claim 24 is rejected under the same rationale as set forth above in claim 16.

Referring to claim 26: Claim 8 is rejected under the same rationale as set forth above in claim 17.

Referring to claim 27: Claim 27 is rejected under the same rationale as set forth above in claim 18.

Referring to claim 28: Claim 28 is rejected under the same rationale as set forth above in claim 19.

Referring to claim 31: Claim 31 is rejected under the same rationale as set forth above in claim 22.

Referring to claim 32: Claim 32 is rejected under the same rationale as set forth above in claim 23.

Referring to claim 33: Claim 33 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 34: Claim 8 is rejected under the same rationale as set forth above in claim 2.

Referring to claim 35: Claim 8 is rejected under the same rationale as set forth above in claim 3.

Referring to claim 36: Claim 36 is rejected under the same rationale as set forth above in claim 4.

Referring to claim 37: Claim 37 is rejected under the same rationale as set forth above in claim 5.

Referring to claim 39: Claim 39 is rejected under the same rationale as set forth above in claim 7.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6, 13, 20, 21, 29, 30, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strevey et al. (US 6,035,305) (“Strevey”).

Referring to claim 6: Strevey teaches all the limitations of claim 5 as noted above. Strevey does not explicitly disclose a theme UI, control UI, or group UI. However, the Examiner notes that these limitations are not functionally involved in the steps of the recited method. Therefore these limitations are deemed to be nonfunctional descriptive material. The steps of receiving, designating, providing, and determining would be performed the same regardless of what user interface (UI) was provided. The differences between the content of the Applicants' invention and the prior art are merely subjective. Thus this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) also see MPEP 2106. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was

made to use any user interface in the invention of Strevey because such information does not functionally relate to the steps of the claimed method and because the subjective interpretation of information does not patentably distinguish the claimed invention.

Referring to claims 13 and 38: Claims 13 and 38 are rejected under the same rationale as set forth above in claim 6.

Referring to claims 20 and 21: Strevey teaches all the limitations of claim 18 as noted above. Strevey does not explicitly disclose pricing information or discount pricing. However, the Examiner notes that these limitations are not functionally involved in the steps of the recited method. Therefore these limitations are deemed to be nonfunctional descriptive material. The steps of receiving, designating, providing, and determining would be performed the same regardless of what information was provided. The differences between the content of the Applicants' invention and the prior art are merely subjective. Thus this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) also see MPEP 2106. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to display any information in the invention of Strevey because such information does not functionally relate to the steps of the claimed method and because the subjective interpretation of information does not patentably distinguish the claimed invention.

Referring to claims 29 and 30: Claims 29 and 30 are rejected under the same rationale as set forth above in claims 20 and 21.

Response to Arguments

Applicants' arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogesh Garg can be reached on (571)-272-6756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/945,441

Page 14

Art Unit: 3625

A handwritten signature in black ink, appearing to be 'Naeem Haq', written over the text 'Art Unit: 3625'.

Naeem Haq, Patent Examiner

Art Unit 3625

May 3, 2006